

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MIRIAM MALDONADO (MEDINA) MIRIAM'S DAYCARE, SP 2014-PR-119 Appl. under Sect(s). 3-403 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 7508 Arlington Blvd., Falls Church, 22042, on approx. 15,885 sq. ft. of land zoned R-4. Providence District. Tax Map 50-3 ((17)) 94. Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 7, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-4.
3. The area of the lot is 15,885 square feet.
4. As the Board heard at the hearing and as reflected in the staff report and the updated memo from staff dated January 5, 2015, there were several safety and zoning inspection issues that came up that have been addressed with respect to the sleeping area and ensuring that there was safe emergency egress as well as safety issues with the staircases, both interior and exterior, and those safety issues have been satisfactorily addressed as of this hearing.
5. Issues have been discussed at the hearing from an interested and affected neighbor that will be addressed in the proposed development conditions.
6. Staff is recommending approval with adoption of the proposed development conditions, and the Board adopts that rationale.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Miriam Maldonado (Medina), Miriam's Daycare, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 7508 Arlington Boulevard, and is not transferable to other land.

2. This special permit is granted only for the home child care use indicated on the plat entitled, "Miriam Maldonado (Medina), Miriam's Daycare, Lot 94," prepared by the applicant, Miriam Maldonado (Medina), on June 11, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 5:30 a.m. to 11:30 p.m., Monday through Friday. The applicant shall continue to operate with her approved hours of operation (6:00 a.m. to 7:00 p.m.) until granted a revised license approving the requested hours of operation (5:30 a.m. to 11:30 p.m.).
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve. After 5:30 p.m., only three children shall be allowed at the home child care, and the three children would be required to stay inside after dark.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, during the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
9. All pick-up and drop-off of children shall take place in the driveway.
10. There shall be no signage associated with the home child care facility.
11. The applicant shall add screening along the eastern property line which shall be determined in consultation with UFMD.
12. The applicant shall obtain all final inspections for building permits related to interior alterations in the basement of the dwelling.
13. The applicant shall install hand railings on the stairway on the interior of the dwelling leading to the basement and also on the stairway from the basement to the rear yard of the dwelling.

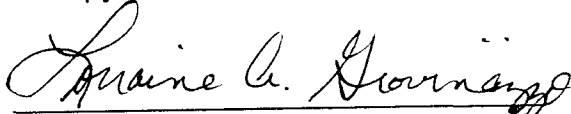
14. Approval of this use is contingent upon maintenance of a state license for the home child care facility for the children on-site for the home child care facility.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 5-0. Mr. Byers was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:



Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals